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Agenda item 140

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Australia, Brazil, Bulgaria, Colombia, Croatia, Egypt, Ecuador, Ethiopia, Finland, Germany, Indonesia, Morocco, New Zealand, Nigeria, Poland, Republic of Moldova, Romania, Tunisia, Ukraine and United Republic of Tanzania: draft resolution

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Welcoming the first report of the open-ended working group on the question of equitable representation on and increase in the membership of the Security Council that was established in accordance with General Assembly resolution 48/26 of 3 December 1993,

Bearing in mind the reports of the Secretary-General on the work of the organization submitted to the General Assembly at its thirty-seventh, 1/ thirty-ninth, 2/ fortieth, 3/ forty-first, 4/ forty-second, 5/ forty-third, 6/ forty-fourth, 7/ forty-fifth, 8/ forty-sixth, 9/ forty-seventh, 10/ forty-eighth, 11/ and forty-ninth 12/ sessions, as well as the views and comments expressed on them by Member States,

Recalling the elements relevant to the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization contained in its resolution 47/120 B of 20 September 1993,

Noting the discussions in the Security Council towards strengthening the consultative process in accordance with Article 50 of the Charter with a view to minimizing special economic problems of countries adversely affected as a result of their implementation of preventive or enforcement measures under Chapter VII of the Charter,

Mindful of the desirability for the Special Committee to carry out further work in the fields of the maintenance of international peace and security and the peaceful settlement of disputes between States,

Bearing in mind various proposals submitted to the General Assembly at its forty-ninth session aimed at strengthening the role of the Organization, enhancing its effectiveness and achieving equitable representation in the Security Council and increasing its membership,

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1/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1 (A/37/1).

2/ Ibid., Thirty-ninth Session Supplement No. 1 (A/39/1).

3/ Ibid., Fortieth-Session, Supplement No. 1 (A/40/1).

4/ Ibid., Forty-first Session, Supplement No. 1 (A/41/1).

5/ Ibid., Forty-second Session, Supplement No. 1 (A/42/1).

6/ Ibid., Forty-third Session, Supplement No. 1 (A/43/1).

7/ Ibid., Forty-fourth Session, Supplement No. 1 (A/44/1).

8/ Ibid., Forty-fifth Session, Supplement No. 1 (A/45/1).

9/ Ibid., Forty-sixth Session, Supplement No. 1 (A/46/1).

10/ Ibid., Forty-seventh Session, Supplement No. 1 (A/47/1).

11/ Ibid., Forty-eighth Session, Supplement No. 1 (A/48/1).

12/ Ibid., Forty-ninth Session, Supplement No. 1 (A/49/1).

Having considered the report of the Special Committee on the work of its session held in 1994, 13/

Expresses its appreciation to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization for its important contribution to the elaboration of the text of the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security,

Recalling that the Charter of the United Nations contains references in Article 53 and Article 107 to particular security arrangements concerning certain States,

Noting that the States to which those references have been directed are members of the United Nations and represent a valuable asset in all the endeavours of the Organization,

Considering that the provisions of Article 107 and parts of Article 53 have become obsolete,

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; 13/

2. Decides that the Special Committee will hold its next session from 27 February to 10 March 1995;

3. Invites the Secretary-General to submit, before the session of the Committee in 1995, a report on the question of the implementation of the provisions of the Charter, including Article 50, related to the special economic problems confronting States and arising from the carrying out of sanctions mandated under Chapter VII of the Charter, analysing the proposals and suggestions on this issue contained in the report of the Committee on its 1994 session, 13/ giving due attention to the possible practical ways and means of carrying any of them out;

4. Requests the Special Committee, at its session in 1995, in accordance with the provisions of paragraph 5 below:

(a) To accord appropriate time for the consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context:

(i) To continue to consider on a priority basis proposals on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, including the working

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13/ Ibid., Supplement No. 33 (A/49/33).

paper submitted in this regard to the Special Committee during its last session; 14/

(ii) To consider other specific proposals relating to the maintenance of international peace and security already submitted or which might be submitted to the Special Committee at its session in 1995, including the proposal on the strengthening of the role of the Organization and enhancement of its efficiency and the revised proposal submitted with a view to enhancing the effectiveness of the Security Council with regard to the maintenance of international peace and security;

(b) To continue its work on the question of the peaceful settlement of disputes between States and in this context:

(i) To continue its consideration of the proposal on United Nations rules for the conciliation of disputes between States;

(ii) To continue its consideration of other specific proposals relating to the peaceful settlement of disputes between States, including the proposal on the establishment of a dispute settlement service offering or responding with its services early in dispute and those proposals relating to the enhancement of the role of the International Court of Justice;

(c) To consider the question of the deletion of the "enemy-State" clauses of the Charter of the United Nations, contained in Article 107 and Article 53, paragraphs 1 and 2, and to recommend to the General Assembly at its fiftieth session the most appropriate legal action to be taken on this question;

(d) To continue its consideration of the question of the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security;

5. Also requests the Special Committee to be mindful of the importance of reaching general agreement whenever this has significance for the outcome of its work;

6. Decides that the Special Committee shall continue to accept the participation of observers of Member States in its meetings, including those of its Working Group, and also decides that the Special Committee shall be authorized to invite other States or intergovernmental organizations to participate in the debate in its plenary meetings on specific items where it considers that such participation would assist in its work;

7. Requests the Special Committee at its next session to continue its review of its membership, to consider in particular the proposal on the full participation of all Member States in its work and to report on this matter to the General Assembly at its fiftieth session;

14/ A/AC.182/L.79.

8. Also requests the Special Committee to submit a report on its work to the General Assembly at the fiftieth session;

9. Decides to include in the provisional agenda of its fiftieth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".